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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/545,336	04/07/2000	David M. Tumey	06.2916.004	9586

7590 09/11/2003  
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EXAMINER

HESELTIME, RYAN J

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 09/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/545,336

Applicant(s)

TUMEY ET AL.

Examiner

Ryan J Hesseltine

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see page 2, first paragraph, filed June 23, 2003, with respect to the drawings have been fully considered and are persuasive. The objection to the drawings has been withdrawn.

2. Applicant's arguments, see pages 2 and 3, filed June 23, 2003, with respect to claims 1 and 2 have been fully considered and are persuasive. The rejections of the claims have been withdrawn.

### ***Drawings***

3. The drawings were received on June 23, 2003. These drawings are acceptable.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morinaga (USPN 6,137,685, previously cited) in view of Wang (USPN 6,038,333, previously cited).

6. Regarding claim 1, Morinaga discloses a portable electronic information device, comprising: a smart card (Figure 1, element 4; column 1, line 48-61); a silicon-based (electronic) video camera (Figure 1, element 28) embedded within said smart card for gathering facial image data (column 5, line 38-39); non-volatile storage media (address table) for receiving and storing said facial image data (column 5, line 39-43); a docking port (1) for receiving said smart card

Art Unit: 2623

(column 3, line 3-12) and communicating said image data therethrough (column 1, line 15-28); communications interface (27) for transmitting said stored facial image data to a central processor (column 5, line 34-37) capable of receiving and manipulating said data (column 1, line 15-28).

7. Morinaga discloses that the card-shaped information medium conventionally performs information processing using the memory or the like of the card-shaped medium (column 1, line 19-28) and stores face pictures in an address table (column 5, line 38-43), but does not explicitly disclose that a digitizer is integrated within said smart card for digitizing said facial image data or that the portable electronic information device is used as a non-invasive human user identification and verification system. Wang discloses a person identifier and management system comprising a hand-held person identifier and management system (Figure 2), which allows a user to retrieve face-identifying information of a person from a face image database (column 3, line 20-34). Wang also discloses that the person identifier may include a digital video camera (inherently including a digitizer; column 4, line 41-44) for inputting facial image data (Figure 3B; column 5, line 19-22; column 8, line 19-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to integrate a digitizer within the smart card and use the portable electronic information device for human user identification and verification as taught by Wang in order to provide a person identifier and management system that is portable, personal, and easy to use to assist a user in recognizing or recalling people the user has previously met, retrieve personal-identifying information from a database in accordance with an input face image, or searching a face image database for similar faces in order to identify the input face (column 2, line 18-31).

Art Unit: 2623

8. Regarding claim 2, Morinaga discloses a method for capturing facial images of a human user, comprising the steps of: inserting a smart card (4) with embedded video camera (Figure 1, element 28; column 5, line 38-43) into a docking port (Figure 1, element 1; column 3, line 3-12); capturing one or more facial images (column 5, line 38-43) and transmitting said facial images to a central processor capable of processing said facial images (column 5, line 34-37; column 1, line 15-28).

9. Morinaga does not explicitly disclose that said facial image data is digitized or that the portable electronic information device is used as a non-invasive human user identification and verification system. Wang discloses a hand-held person identifier and management system (Figure 2) including capturing one or more first facial images at an enrollment station (inherent) for storage in a non-volatile media (profile database; column 3, line 35-45). Wang also discloses that the person identifier may include a digital video camera (inherently including a digitizer; column 4, line 41-44) for inputting facial image data (Figure 3B; column 5, line 19-22; column 8, line 19-31) and receiving and comparing first and second facial images and producing a signal (person-identifying data) indicative of recognition (match) or non-recognition (no match) of said human user (column 5, line 5-13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to integrate a digitizer within the smart card and use the portable electronic information device for human user identification and verification as taught by Wang in order to provide a person identifier and management system that is portable, personal, and easy to use to assist a user in recognizing or recalling people the user has previously met, retrieve personal-identifying information from a database in accordance with an input face

Art Unit: 2623

image, or searching a face image database for similar faces in order to identify the input face (column 2, line 18-31).

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN 6,256,063 to Saito et al. discloses an image signal processing unit and electronic still camera. USPN 6,118,485 to Hinoue et al. discloses a card type camera with image processing function. USPN 5,917,545 to Kowno et al. discloses an electronic still camera that can be directly inserted in an external device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan J Hesseltine whose telephone number is 703-306-4069. The examiner can normally be reached on Monday - Friday, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on 703-308-6604. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

rjh  
September 6, 2003

JINGGE WU  
PRIMARY EXAMINER

